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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,358	02/05/2004	William Stern	P/546-279 REISSUE	8408
2352	7590	10/16/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			HAGHIGHATIAN, MINA	
			ART UNIT	PAPER NUMBER
			1616	
DATE MAILED: 10/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/774,358	STERN, WILLIAM	
	Examiner	Art Unit	
	Mina Haghighatian	1616	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Mina Haghighatian. (3) Mark Farley.
 (2) William Gray. (4) _____.

Date of Interview: 05 October 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: All.

Identification of prior art discussed: All.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: This interview was conducted after Amendments and Remarks were filed by Applicants. Applicants and Examiner discussed the rejections made on the non-final Office Action and the Amendments and Remarks. Mr. Grey started by inquiring about the new matter rejections. Examiner explained that Table 1 in column 5 of parent specification (original patent) only recite citric acid and that the 10 to 25 mM range claimed has no support since the claims recite citric acid, citric acid salt and a combination thereof. Mr. Grey said that they may consider filing a Declaration in support of Table 1. It was also explained that the term "aggregate concentration of all such bioavailability enhancing agents" is still deemed new matter and that Applicant's arguments are not persuasive. Applicant stated they may reconsider the said language to overcome the rejection. With regard to the range of 250 to 350 mOsm/liter, Examiner mentioned that since the said term was originally presented in the parent Application and the provisional Application this is not a new matter rejection. Examiner, however suggested the range be inserted in the present specification. The prior arts of record were discussed with reference to the rejections. It was agreed that if the new matter rejections are overcome and in light of Applicant's arguments Kagatani and Dua references may fall. Grebow reference is still deemed an appropriate reference since it teaches the nasal formulation and administration of calcitonin and citric acid/citrate. It is taught that citric acid/citrate is added for controlling pH and increasing stability of the formulation. Applicant argued that the ranges taught by Grebow are broader than the ranges stated in the instant claims. Specifically, the range of citrate is from 10 to 500 mM compared to smaller range of 10 to 25 or 50 mM stated in the instant claims. The suitable pH is from 3.0 to 8.0 compared to 3.5 to 3.9 in the instant claims. The examiner also mentioned that one or more of the references discussed in the litigation documents (filed by Applicant on 09/28/06) may apply to the instant claims and may be used in the next Office Action.